

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John D. Richter Art Unit : 2162
Serial No. : 10/736,001 Examiner : Giovanna B. Colan
Filed : December 15, 2003 Confirmation No.: 2963
 Notice of Allowance Date: Dec. 1, 2008
Title : **MANAGING ELECTRONIC INFORMATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)

Applicant hereby petitions for reconsideration of the Patent Term Adjustment (PTA) as accorded to the above-referenced patent application. Attached herewith is a copy of the Notice of Allowance including a Determination of Patent Term Adjustment under 35 U.S.C. § 154(b), mailed December 1, 2008, for the above-referenced patent application. The Notice of Allowance states that the Patent Term Adjustment at allowance is 442 days. Reconsideration of the Patent Term Adjustment calculation to increase PTO Delay from 476 days to 584 days and decrease Applicant Delay from 34 days to 32 days, thus increasing total PTA from 442 days to 552 days, is respectfully requested.

REVIEW OF PATENT TERM ADJUSTMENT CALCULATION

A review of the Patent Term Adjustment History in the PAIR system shows that the United States Patent and Trademark Office (PTO) calculated the Patent Term Adjustment (PTA) as follows:

- 1) The PTO mailed a delayed 14-month first Office Action on June 6, 2006, thereby according a PTO Delay of 476 days. Applicant concurs with this patent term adjustment calculation.

CERTIFICATE OF MAILING BY EFS-WEB FILING

I hereby certify that this paper was filed with the United States Patent and Trademark Office using the EFS -WEB system on this date: January 27, 2009

2) In response to a non-final Office Action mailed May 9, 2008, Applicant submitted a response on August 11, 2008, thereby according an Applicant Delay of 2 days. Applicant disagrees with this calculation and respectfully requests reconsideration. In accordance with 37 C.F.R. § 1.7, when a period for reply falls on a Saturday, Sunday, or a Federal Holiday within the District of Columbia, the period for reply is extended to the next succeeding business day. In this Action, the period for reply fell on Saturday, August 9, 2008, and the next succeeding business day fell on August 11, 2008. Applicant believes that the period for reply was met and thereby request that the Applicant Delay of 2 days be corrected to reflect 0 days of Applicant Delay on this Action.

3) The PTA calculation as issued with the Notice of Allowance does not indicate any PTO Delay with regard to issuance of a patent after three years from the filing date of the application. The filing date of the present application is December 15, 2003. Applicant filed a Request for Continued Examination on April 2, 2007. In accordance with 37 C.F.R. § 1.703(b)(1), Applicant believes that the correct PTO Delay for issuance beyond three years up to the filing date of a Request for Continued Examination is 108 days. Applicant respectfully requests correction to the Patent Term Adjustment to reflect a PTO Delay of 108 days.

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REMARKS

In consideration of the events described above, Applicant believes the PTA calculation of 442 days is incorrect and respectfully request reconsideration of the Patent Term Adjustment calculation in the following manner:

- 1) Total PTO Delay should be calculated as 584 days;
- 2) Total Applicant Delay should be calculated as 32 days; and
- 3) Total PTA should be calculated as 552 days.

Applicant notes that this patent is not subject to a terminal disclaimer. The required fee of **\$200** under 37 C.F.R. § 1.18(e) is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account Authorization. No other fees are believed to be due with this submission. However, if Applicant is incorrect, please apply any charges or credits to Deposit Account Number **05-0765 ELECTRONIC DATA SYSTEMS CORP.**.

Respectfully submitted,

Date: January 27, 2009

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